

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION

- - - - -X  
UNITED STATES OF AMERICA, :  
 :  
Plaintiff, : Criminal No. 4:14-103  
 :  
vs. :  
 :  
KENT LEROY SORENSON, : TRANSCRIPT OF SENTENCING  
 :  
Defendant. :  
- - - - -X

Fourth Floor, South Courtroom  
United States Courthouse  
123 East Walnut Street  
Des Moines, Iowa 50309  
Tuesday, January 17, 2017  
10:33 a.m.

BEFORE: THE HONORABLE ROBERT W. PRATT, Senior Judge.

APPEARANCES:

For the Plaintiff: RICHARD CHRISTIAN PILGER, ESQ.  
U.S. Department of Justice  
Criminal Division  
1400 New York Avenue NW  
Suite 12100  
Washington, D.C. 20005

For the Defendant: F. MONTGOMERY BROWN, ESQ.  
F.M. Brown Law Firm  
1001 Office Park Road, Suite 108  
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Terri L. Martin, CSR, RPR, CRR  
United States Court Reporter  
Room 189, U.S. Courthouse  
123 East Walnut Street  
Des Moines, Iowa 50309

## E X H I B I T S

<u>DEFENDANT'S EXHIBIT NUMBERS:</u>	<u>OFFERED</u>	<u>RECEIVED</u>
A - Jeannine Sorenson affidavit	15	15
B - Kevin Anthofer affidavit	15	15
C - Photos of Kent Sorenson	15	15
D - Text messages	15	15
E1 - Role with Bachmann campaign	15	15
E2 - Bachmann for President	15	15
F1 - FBI Grand Jury material	15	15
F2 - FBI interview of Sorenson	15	15

## P R O C E E D I N G S

(In open court, with defendant present.)

THE COURT: Please be seated.

Good morning.

MR. PILGER: Good morning.

MR. BROWN: Good morning, Your Honor.

THE COURT: Mr. Sorenson, have you read the  
presentence report that was prepared in your case?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Have you had sufficient time and  
opportunity to discuss the report with Mr. Brown?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Okay. And Mr. Brown, have you read the  
report in this case?

MR. BROWN: Yes, Your Honor.

THE COURT: And have you had enough time to talk to  
the defendant about the report?

MR. BROWN: Yes, Your Honor.

THE COURT: Mr. Pilger, we've not met. Good morning.

MR. PILGER: "Pilger." Good morning, Your Honor.

And for the record, I regret the delay this morning.

THE COURT: All right. Mr. Pilger, have you read the  
report on behalf of the United States?

MR. PILGER: Yes, Your Honor.

THE COURT: Mr. Sorenson, it's important to me that

1 you understand what materials I've had. Even though Mr. Brown  
2 is well familiar with this process, it's important to me that  
3 you understand it. I have a brief and submitted exhibits from  
4 Mr. Brown which I'm sure he'll be offering. Some of those or  
5 all of those are under seal for reasons that Mr. Brown thought  
6 deserved sealing even though public transparency is a large part  
7 of our practice here. Mr. Brown's legal arguments have been  
8 placed in the brief, and I believe there are seven exhibits that  
9 he gave me.

10           Additionally, since that time, last Friday afternoon  
11 Mr. Brown forwarded to me a number of letters. The first letter  
12 is unsigned. However, it begins by saying, I'm writing this  
13 letter on behalf of my brother. I read the presentence report,  
14 of course, and it said you had two sisters, so I was unfamiliar  
15 with who was the signer of that letter.

16           The second letter is a letter from your mother. It as  
17 well is unsigned.

18           The next thing I have is a letter from -- and  
19 Mr. Brown, maybe you can help me here. Kathy -- I can't make  
20 out the spelling of the last name.

21           THE DEFENDANT: That's Cathy Frish. That would be my  
22 mother-in-law.

23           THE COURT: Okay. The next one is a letter from Eric  
24 Durbin; and then I have letters from Michael and Rebecca  
25 Wachtel, W-A-C-H-T-E-L; a letter from Danny Carroll; a letter

1 from Brad Cranston; and a letter from Kerry and Kristi Northway;  
2 and then a letter from Warren and Susan Hale.

3 Mr. Pilger, did you receive copies of all of the  
4 materials that the court has?

5 MR. PILGER: Yes, Your Honor.

6 THE COURT: Additionally, Mr. Sorenson, Mr. Pilger has  
7 filed a motion for departure from the sentencing guidelines and  
8 a brief that tells me the government's position on sentencing.

9 Counsel, I have a question that I am perplexed about.  
10 The plea agreement includes the State of Iowa. The plea  
11 agreement is signed by John P. Sarcone, the Polk County  
12 Attorney. It wasn't referred to in the PSR, but I went back and  
13 read the plea agreement.

14 What was the reasoning with respect to the State of  
15 Iowa being a party to the plea agreement?

16 MR. PILGER: Your Honor, it was possible that the  
17 State of Iowa could have brought charges against Mr. Sorenson  
18 out of the offense conduct and related conduct, so in order to  
19 reach a global position across the sovereigns, Mr. Sarcone  
20 entered into the plea agreement on behalf of the State of Iowa  
21 as the Polk County authority.

22 THE COURT: All right. He's had no input, I take it,  
23 into the sentence here?

24 MR. PILGER: He has not requested nor has he weighed  
25 in on the sentence.

1 THE COURT: Okay.

2 MR. PILGER: He has not requested to. The Federal  
3 Government being most familiar with Mr. Sorenson's cooperation,  
4 we're proposing the sentencing position.

5 THE COURT: Okay. And the exposure that he had under  
6 state law, would they be similar statutes involving fraud,  
7 obstruction of justice, or what was the --

8 MR. BROWN: It would have been misconduct in office,  
9 Your Honor, that Mr. Weinhardt identified in his investigation.

10 THE COURT: Okay.

11 MR. BROWN: Receipt of the payments in violation of  
12 Rule 6, Senate Rules.

13 THE COURT: All right. And then I think both the PSR  
14 and the plea agreement refer to consideration that the spouse  
15 wouldn't be prosecuted?

16 MR. BROWN: That's correct, Your Honor.

17 THE COURT: Okay.

18 MR. BROWN: And that's because Ms. Sorenson actually  
19 was the recipient of the check from Mr. Kesari at the restaurant  
20 in Altoona.

21 THE COURT: Okay.

22 MR. BROWN: That was not reported on the FEC  
23 requirements.

24 THE COURT: All right. That helps me. Thanks very  
25 much.

1           Mr. Pilger, dealing with substantial assistance here,  
2 I'm sure Mr. Brown has perhaps told you this, and I know it  
3 varies from district to district but probably balkanized; but we  
4 usually operate here on percentages, and the U.S. Attorney has  
5 made it a practice, I believe, of having a committee to  
6 recommend a percentage.

7           Can you tell me how you arrived at your  
8 recommendation? Did you have a committee? Is it just your  
9 sense of what's appropriate or -- I would like to be in a better  
10 position to understand.

11           MR. PILGER: Yes, sir. The Criminal Division also  
12 operates -- the Criminal Division of Main Justice also operates  
13 with a committee in each litigating section.

14           THE COURT: Okay.

15           MR. PILGER: I'm here from the Public Integrity  
16 Section of the Criminal Division. Our committee is composed of  
17 all of the supervisors in the section, and our practice is  
18 typically to do what the district would do. However, in this  
19 case, because of the constraints the government feels arise from  
20 the sentences on the co-conspirators by another judge of this  
21 court, we have not articulated the downward departure in terms  
22 of percentages.

23           THE COURT: Okay. We're going to get to this probably  
24 in our discussion here, but this wasn't charged as a conspiracy  
25 with respect to Mr. Sorenson and, in fact, the PSR says there

1 are no co-defendants. So what's the -- I mean, do you think  
2 that -- I mean, to my way of thinking, 3553(a)(6) says  
3 defendants convicted of similar offenses. I assume this is  
4 similar offenses --

5 MR. PILGER: Yes, Your Honor.

6 THE COURT: -- to the three other defendants that  
7 you're referring to, am I right?

8 MR. PILGER: Yes, sir.

9 THE COURT: Okay.

10 MR. PILGER: So in the substantive counts of the  
11 superseding indictment on which the other co-conspirators were  
12 convicted, you will see very similar offenses. In fact, the  
13 same two offenses at issue before this court today, the former  
14 Title 2, now Title 52 offense --

15 THE COURT: Right.

16 MR. PILGER: -- was charged against each of them.  
17 They were each convicted. And the Title 18 offense, Section  
18 1519, to which Mr. Sorenson pled guilty was also charged in that  
19 superseding indictment, and the other -- the co-conspirators  
20 stand convicted there.

21 While conspiracy was not charged against Mr. Sorenson,  
22 another judge of this court did find that he was a participant  
23 in a conspiracy with the three convicted defendants in other  
24 proceedings before this court as an evidentiary matter as we  
25 proceeded in that case and those defendants stand convicted of



1 that conspiracy.

2 THE COURT: Okay. So your point being that they  
3 were -- "they," Mr. Tate, Mr. Kesari, and Mr. Benton -- were  
4 convicted of the same, causing a false FEC report to be filed  
5 and, two, what I consider obstruction of justice?

6 MR. PILGER: Yes, Your Honor.

7 THE COURT: Okay.

8 MR. PILGER: The objection of which they were  
9 convicted is premised on two types of records; one being the  
10 internal campaign records of the Ron Paul 2012 Presidential  
11 Campaign Committee, Inc., and the other being the FEC.

12 THE COURT: Okay. Now, Mr. Sorenson, I know that the  
13 lawyers and I when we talk about guidelines and similarly  
14 situated defendants, et cetera, is confusing; but I want you to  
15 know it's a necessary part of our work because Mr. Pilger on  
16 behalf of the government has a right to appeal this sentence to  
17 the Court of Appeals, Mr. Brown on your part also has the right  
18 to appeal the sentence to the Court of Appeals, and what we put  
19 on the record, that is, Ms. Martin is taking down my words and  
20 the rest of our record here, is important to preservation of  
21 error. And so if we lapse into law talk, it's a necessary part  
22 of our work.

23 I don't want you to overlook the fact that I'm fully  
24 aware of what the Chief Justice said on New Year's Eve.  
25 Sentencing is the most difficult thing that we judges do, and

1 sometimes I think defendants and the public at large doesn't  
2 understand that discussion of guidelines and statutes and cases  
3 may be dry to you, but it's essential to Mr. Pilger and  
4 Mr. Brown's work.

5 Do you understand that?

6 THE DEFENDANT: Yes, Your Honor. Over the last few  
7 years, I've realized that when the legal jumbo starts to come  
8 out, I just have to trust my attorney.

9 THE COURT: Now, Counsel, I have two objections -- I  
10 guess I have three objections to the advisory guidelines. Tell  
11 me if I'm right. One, both of you urged in the plea agreement  
12 that Mr. Sorenson should be given acceptance of responsibility  
13 based upon his plea of guilty to the two statutes and based upon  
14 his cooperation with the government after his plea, and then  
15 Mr. Brown has raised the question about whether or not the money  
16 received from Ms. Bachmann's campaign, Congresswoman Bachmann's  
17 campaign should be considered part of the -- the guideline  
18 refers to, quote, illegal transactions. So Mr. Brown has asked  
19 for a reduction based upon that point.

20 Do I have all of the objections to the advisory  
21 guideline --

22 MR. PILGER: Yes, Your Honor.

23 MR. BROWN: Yes, Your Honor.

24 THE COURT: Okay. Do you want to make any further  
25 argument or submission, testimony on either of those guideline

1 matters? You both briefed them. If you want to expand on that,  
2 I'm certainly willing to listen. I think I have an  
3 understanding of what's at issue.

4 MR. BROWN: Just briefly, Your Honor. On the  
5 acceptance of responsibility point, it's not unusual for a  
6 defendant who's out on pretrial release to test positive, have  
7 that pretrial release revoked and still receive acceptance of  
8 responsibility at sentencing, and I've cited a specific case in  
9 my brief where that occurred, and I have others that that's  
10 occurred in. So I don't believe that Mr. Sorenson's marijuana  
11 positive test results after the plea should result in a denial  
12 of acceptance of responsibility.

13 I believe that the inclusion of the Bachmann for  
14 President monies overrepresents the loss, so to speak, under  
15 2B1.1 by at least two levels. Mr. Sorenson did a tremendous  
16 amount of work for that campaign, and even though those payments  
17 to him were paid to him circuitously and secretly and in  
18 violation of FEC rules by the Bachmann campaign, he did do the  
19 work, and the guidelines do give him credit for that as I cited  
20 for fair market value.

21 And for those reasons I believe that those numbers  
22 from the Bachmann for President campaign, which that campaign  
23 failed to disclose potentially to the FEC, does overrepresent  
24 the loss in this matter.

25 THE COURT: Okay. Mr. Pilger, did you want to comment

1 on either the acceptance guideline or the, what I'll call  
2 illegal guideline transaction?

3 MR. PILGER: We agree with counsel for Mr. Sorenson on  
4 the acceptance of responsibility point. The positive test for  
5 marijuana came shortly after Mr. Sorenson signed up, and it's  
6 not uncommon for that substance to remain in the system for  
7 quite some time. We do not discredit Mr. Sorenson's accounting  
8 for that.

9 I must disagree briefly with counsel for Mr. Sorenson  
10 on the money from the Bachmann campaign. I'll try to keep this  
11 brief, but there was a different mechanism there. It involved a  
12 PAC. PACs are constrained to contributing no more than \$5,000  
13 to the authorized committee of a candidate. So, in fact, PACs  
14 can't fund someone working for a campaign more than \$5,000.  
15 That did happen here. Now, Mr. Sorenson's intent as to that is  
16 definitely at issue. We do not discredit his statements on  
17 that; but for purposes of sentencing, I think the evidence is  
18 sufficient for a preponderance to include that as relevant  
19 conduct.

20 THE COURT: All right. Thanks very much.

21 Okay. The next issue is whether or not there are any  
22 departures from the advisory guideline. What I'm going to do is  
23 listen to you about all of these issues and then read into the  
24 record my sentence.

25 So the departure is the government's burden. So,

1 Mr. Pilger, again, you can rest on your submission which came  
2 last week or you can expand and supplement it in any way you  
3 think appropriate.

4 MR. PILGER: The government will rest on the  
5 submission, unless Your Honor has any questions, and I stand  
6 ready to answer any of those.

7 THE COURT: No. Again, there was nothing about  
8 percentages, but --

9 MR. PILGER: I can do that for you quickly, Your  
10 Honor.

11 THE COURT: No, it's not necessary, if you just  
12 think -- if you think that the way that you submitted your brief  
13 is sufficient, I don't want to have you expand on it. I just  
14 want you to have the opportunity.

15 MR. PILGER: Let me just highlight something in the  
16 brief.

17 THE COURT: Yes.

18 MR. PILGER: If you start from Judge Jarvey's starting  
19 point in the related proceedings --

20 THE COURT: Mr. Pilger, let me interrupt. If I did  
21 that, how could I comply with the Supreme Court's directive in  
22 Gall?

23 MR. PILGER: You don't have to, Your Honor. This is  
24 entirely discretionary.

25 THE COURT: Well, no. It's not discretionary that I

1 have to get the guideline right, is it?

2 MR. PILGER: Correct, correct. I'm just getting to  
3 the percentage departure issue. So just starting from what  
4 another judge of this court has done in terms of a departure  
5 percentage --

6 THE COURT: Okay.

7 MR. PILGER: -- Judge Jarvey effectively halved the  
8 sentence --

9 THE COURT: So he gave 50 percent of what your brief  
10 called the offense level was?

11 MR. PILGER: As calculated by the probation office,  
12 yes, Your Honor.

13 THE COURT: Okay.

14 MR. PILGER: So if you start from there in terms of  
15 percentages, the government is only asking for two to four  
16 levels, depending upon how you calculate the guidelines.

17 THE COURT: Okay.

18 MR. PILGER: So we're at a fractional percentage in  
19 terms of what the 5K is asking for.

20 THE COURT: Okay. Thanks very much.

21 Mr. Brown, any additional comment beyond what you put  
22 in your brief about the departure request by the government?

23 MR. BROWN: Your Honor, at this time I would offer  
24 what I've filed under seal as Exhibits A through F2 and ask that  
25 they remain under seal as they relate to in part information

1 related to family circumstances and also in relation to his  
2 cooperation and ask that the court admit those exhibits.

3 (Defendant's Exhibits A through  
4 F2 were offered in evidence.)

5 THE COURT: Mr. Brown, I'm troubled by -- I don't have  
6 any problem with the exhibits being under seal. Do you think  
7 your brief should be under seal?

8 MR. BROWN: What's that?

9 THE COURT: This is a public proceeding after all.  
10 I'm just curious. What is your sense of that?

11 MR. BROWN: The brief would not have to be under seal,  
12 Your Honor.

13 THE COURT: All right. Mr. Pilger, does the  
14 government have any objection to the exhibits that Mr. Brown has  
15 offered?

16 MR. PILGER: No, Your Honor.

17 (Defendant's Exhibits A through  
18 F2 were received in evidence.)

19 THE COURT: And, Mr. Brown, while you're at it, do you  
20 want to offer the nine letters that I read into the record as  
21 part of the submission?

22 MR. BROWN: Yes, Your Honor. Thank you.

23 THE COURT: All right. And, Mr. Brown, I don't know  
24 of any other departure motions, do you?

25 MR. BROWN: There is no other departure motion under

1 the guidelines. We've requested a variance.

2 THE COURT: Yeah, we're going to talk about variance  
3 now.

4 MR. BROWN: All right.

5 THE COURT: So, Mr. Pilger, I'll hear from you on what  
6 you think is the appropriate variance in the case, if any.

7 MR. PILGER: So as laid out in our brief, Your Honor,  
8 we would request a variance down to a level that allows you to  
9 impose a sentence of probation. So depending on your final  
10 guidelines calculation, we would ask you to come down into  
11 zone A. And, again, that reflects the starting position of the  
12 other judge of this court as to the related defendants. It  
13 amounts to slightly more than a 50 percent reduction. And as  
14 stated in our brief, we believe this is entirely justified by  
15 the early and complete and truthful cooperation of Mr. Sorenson  
16 with the related proceedings.

17 To reiterate, Mr. Sorenson shortly after a search was  
18 conducted on his home retained Mr. Brown, came in quickly. He  
19 had initially in the course of the search proceedings, it must  
20 be noted, made some generalized false statements to the FBI  
21 about not having done anything wrong. He retained counsel and  
22 quickly came in, and from his first proffer session, his account  
23 to the government was totally consistent with all of the other  
24 evidence we developed. That was both the evidence we had at the  
25 time of the proffer and the evidence that we developed in



1 testing Mr. Sorenson's veracity as we developed the case and  
2 continued before the grand jury and charged it.

3 His testimony before the grand jury and his extensive  
4 testimony in two trials before this court was also entirely  
5 consistent with all of the other evidence. There were, of  
6 course, instances where Mr. Sorenson recalling matters from  
7 years ago in a chaotic campaign environment had some  
8 recollections that we thought might be wrong, were wrong. We  
9 did not attempt to correct Mr. Sorenson on that. His testimony  
10 was his testimony. He was cross-examined on that. But these  
11 were the usual detailed matters that witnesses tend to have  
12 memory trouble with, and they were immaterial. In fact, they  
13 were trivial.

14 The defense tried to make much of them during the  
15 other proceedings, if Your Honor might have reviewed that  
16 record, and got nowhere with it. That is because in every  
17 material point we believe Mr. Sorenson's testimony was complete  
18 and truthful and extremely helpful to the government.  
19 Mr. Sorenson's testimony was critical on points which we could  
20 not obtain from any other source.

21 Specific examples include the content of the  
22 conversation had the day after the Bachmann Campaign accused,  
23 correctly accused the Paul Campaign of buying Mr. Sorenson's  
24 endorsement. The content of that conversation at the campaign  
25 headquarters here in Iowa of the Ron Paul operatives came only

1 from Mr. Sorenson. There was no other source for the content.  
2 Now, it was corroborated by some phone records and some other  
3 things that we could do to show that the conversation had  
4 happened at the time and with some of the people that we said,  
5 but Mr. Sorenson's testimony was credited by the jury in finding  
6 that the scheme to use the FEC, to weaponize it in protecting  
7 the Paul Campaign from exposure for what they had done, that  
8 came from Mr. Sorenson and the jury believed it.

9 All the other evidence is consistent with that. It  
10 was extremely helpful.

11 Another example, the day before that meeting where the  
12 conspiracy effectively gets going to use the FEC, Mr. Sorenson  
13 is the only source of information as to Mr. Benton, the campaign  
14 chair, the top ranking operative in the Paul Campaign.  
15 Mr. Sorenson is the only source for the statement by Mr. Benton  
16 at a Ron Paul Campaign event when Mr. Sorenson endorsed  
17 Mr. Paul. Mr. Sorenson is the only source for Mr. Benton  
18 saying, "You're bleeding for us, we'll take care of you," very  
19 important evidence for the conviction of Mr. Benton.

20 So with that, Your Honor, we believe the variance that  
21 we have requested and the sentence we have requested,  
22 constrained by what the court has already done with the  
23 co-defendants, which I must note for the record that the  
24 government did not agree with --

25 THE COURT: Right. And let me, when you say

1 constrained by what the other sentences did, when your  
2 footnote -- I was struck by your footnote which refers to the  
3 radical departures. Is it a radical -- it was a radical  
4 variance, wasn't it?

5 MR. PILGER: If I wrote departure, I was incorrect; it  
6 was a variance.

7 THE COURT: I think you did. I may be incorrect about  
8 that, but it seemed to me that what you were arguing was that  
9 the sentences to Tate, Benton, and Kesari were a radical  
10 variance. Is that what you're arguing today?

11 MR. PILGER: Yes, Your Honor.

12 THE COURT: Okay.

13 MR. PILGER: I mean, with the greatest respect to the  
14 other judge of this court --

15 THE COURT: Right.

16 MR. PILGER: -- the government disagrees with that  
17 variance.

18 THE COURT: Okay.

19 MR. PILGER: The government's position is that  
20 shouldn't have happened, but it did. And with respect, we  
21 believe that in order to effectuate the policy behind the 5K  
22 departure and to show people in Mr. Sorenson's position that  
23 their cooperation is worth it, that all that Mr. Sorenson went  
24 through with us taking over his life, telling him when and where  
25 to be, making him go over and over things with grand jury and

1 two trials, with the necessities of preparation, people aren't  
2 going to do that. The goal of 5K is not going to be met if they  
3 see that the more culpable defendants who didn't plead guilty,  
4 who went and took the court to trial, for two trials, if they  
5 see that that kind of defendant gets a lighter sentence than the  
6 cooperator, that will completely undermine what we need to show  
7 the world about the value of cooperation with the government.

8 THE COURT: Mr. Pilger, the maximum sentence here for  
9 Mr. Sorenson is 25 years, right? Five years on the false FEC  
10 filing, 20 years for obstruction of justice. Is that what the  
11 co-defendants were facing as well, or were they facing lesser  
12 time than that, or do you know?

13 MR. PILGER: I do know that, Your Honor.

14 THE COURT: Yeah.

15 MR. PILGER: So I can see how you arrive at that, and  
16 that's by stacking consecutive sentences under the statutory  
17 maximum.

18 THE COURT: Well, I think that's what the plea  
19 colloquy indicated, that he -- "he," Mr. Sorenson -- understood  
20 that his exposure on this sentence was 25 years.

21 MR. PILGER: That's absolutely right, and the  
22 co-defendants actually faced higher amounts --

23 THE COURT: Okay.

24 MR. PILGER: -- if you stack consecutive sentences  
25 because they faced more counts.

1 THE COURT: Okay.

2 MR. PILGER: And so it would be five years on each  
3 count of conviction, except the 20 years on the obstruction  
4 count.

5 THE COURT: Okay. Now, Mr. Pilger, I think I  
6 interrupted you when you were talking about radical departures  
7 or variances. I got off on that. So had you completed your  
8 thought? I didn't want to interrupt you.

9 MR. PILGER: I think so. And I stand corrected, the  
10 proper term is variance.

11 THE COURT: Okay.

12 MR. PILGER: It is, it was, the government disagreed  
13 with it at the time. We pointed you at what remains I think a  
14 sealed filing, although we're trying to get them all unsealed,  
15 that shows why we thought that was wrong.

16 THE COURT: Okay.

17 MR. PILGER: But Judge Jarvey has ruled on that.

18 THE COURT: Right.

19 MR. PILGER: And with the greatest respect, that is  
20 the sentence of the court in that case.

21 THE COURT: Right.

22 MR. PILGER: So in these proceedings, where we have to  
23 show the world that cooperating with their government can have a  
24 result that's fair, that's motivating --

25 THE COURT: Right.

1           MR. PILGER:  -- we believe that that means to inform  
2 the court, and we're constrained to recommend what we have.

3           THE COURT:  And the court needs to apply 3553(a),  
4 doesn't it?

5           MR. PILGER:  Of course.

6           THE COURT:  Okay.  Mr. Brown, did you have any  
7 additional comments beyond those contained in your brief?

8           MR. BROWN:  Your Honor, one of the things the court  
9 asked us to do was to try to find comparative cases in other  
10 campaign-related matters.  We attempted to do that the best I  
11 could via Westlaw.

12           I think the main thing I found out was in the majority  
13 of cases involving campaign crimes, it involves illegal  
14 contributions or conduit schemes, and that isn't what happened  
15 here.

16           THE COURT:  Right.

17           MR. BROWN:  This was a false report, and then when  
18 Mr. Weinhardt was asking Mr. Sorenson questions about whether or  
19 not he had been paid by the campaigns, he lied about that,  
20 knowing that there was a federal inquiry at the time.

21           So, unfortunately, that research wasn't very helpful.

22           Your Honor, Kent Leroy Sorenson disgraced himself.  He  
23 disgraced the Senate, the Iowa Senate.  And many men along the  
24 way disgrace themselves but not often do they acknowledge it and  
25 attempt to make -- reconcile that with what the truth is.

1 Mr. Sorenson publicly in a plea and in two trials admitted his  
2 lies, the disgrace that he put on Iowa voters and the Senate.  
3 He appeared in front of a federal grand jury and two federal  
4 trials. He told the court he wished he had never ever gotten  
5 involved in politics.

6           This is clearly a man who rose too close to the sun  
7 and beyond his ethical tethers, frankly; but he has taken a look  
8 at himself, his politics, his policies, and I believe  
9 Mr. Sorenson, if you read his wife's affidavit, which I'm sure  
10 you have, and the letter from his employer, he knows what's  
11 important in his life. It's not fame, it's not politics, it's  
12 not issues. It's family.

13           And this has been a long three years, for both he and  
14 I, not knowing what's going to happen. As Mr. Pilger said, you  
15 know, the government took control of his life, and it's not his  
16 fault that this has been almost four years since he committed  
17 these crimes. He could have decided not to cooperate and taken  
18 his punishment three-and-a-half years ago; but he did the right  
19 thing. He told the truth whenever asked.

20           And I respectfully submit that it doesn't take any  
21 radical decision to impose probation in this matter. Public  
22 disgrace is a form of punishment. He's a convicted felon.  
23 Probation is punishment. And I ask the court to impose a  
24 sentence of probation and a hundred hours of community service  
25 and whatever other terms and conditions that the court deems

1 appropriate.

2 THE COURT: Thank you.

3 MR. BROWN: Thank you very much.

4 THE COURT: Mr. Sorenson, I'm sure Mr. Brown has told  
5 you, under our rules and really common law tradition, you have  
6 an opportunity to make a statement in allocution. You don't  
7 have to say anything; but you may if you wish.

8 Do you want to say anything?

9 THE DEFENDANT: Yes, Your Honor. I spent the other  
10 night writing a statement because I didn't want to rattle on  
11 going through the motions, so I would like to read that.

12 THE COURT: Mr. Sorenson, we've got plenty of time,  
13 and you shouldn't worry about rattling on. When you hurry doing  
14 legal work -- and I know both Mr. Pilger and Mr. Brown have  
15 commented on this that it's been a long time. When you hurry  
16 doing legal work, we judges and lawyers tend to make mistakes.  
17 So you shouldn't worry about, quote, rattling on.

18 THE DEFENDANT: Thank you, Your Honor.

19 Well, Your Honor, I come to you today a far different  
20 man than I was six years ago when I first entered the arena of  
21 the presidential race in 2011. Then I was cocky, arrogant, and  
22 filled with misguided ideas. Today I'm before you humbled and  
23 broken.

24 Looking back, I realize the missed opportunities I had  
25 to help so many people with compassion rather than that attitude



1 that I had. I am filled with regret. I don't even know where  
2 to start. So I'll just make an open apology to the people of  
3 Iowa, to my former colleagues in the Legislature. I  
4 specifically want to apologize to Mr. Weinhardt who conducted  
5 the Senate Ethics Investigation. I became so skewed in my  
6 thinking that I put politics before the truth.

7 I feel terrible that my father spent the last five  
8 months of his life, after being diagnosed with stage four lung  
9 cancer, watching his son plead guilty to these charges and being  
10 more concerned about me than his own health. I'm sorry to my  
11 mother and my sisters for watching that play out.

12 I'm sorry to my wife and six children for putting them  
13 through this during the last six years. The youngest two have  
14 dealt with this half their life, and my middle two have had  
15 their teenage years consumed by this.

16 While there's no way to take back the decisions I  
17 made, I have tried to begin to right them. This is an ongoing  
18 process, and my first step was when I came in to cooperate with  
19 the FBI and Department of Justice. I know that this will be a  
20 lifelong process and some people will never trust me again. I  
21 hope that through my cooperation, Your Honor, that you see that  
22 my intentions are true and my regrets sincere.

23 THE COURT: The record should show the court has read  
24 the presentence report, the exhibits offered by the defendant,  
25 the motion for departure by the United States, the oral

1 arguments of the parties, the defendant's statement and  
2 allocution.

3           The court is now charged with fashioning a sentence  
4 that is, quote, sufficient but not greater than necessary under  
5 18, United States Code, Section 3553(a). The court will first  
6 determine the advisory guidelines range, then consider the  
7 3553(a) factors, and finally rule on the government's motion for  
8 departure.

9           The advisory United States sentencing guidelines  
10 range. The presentence investigation report calculates  
11 defendant's base offense level at 8 -- and that's on a scale of  
12 43 -- and a total offense level as a result is 20, with upward  
13 adjustments based on the value of the illegal transactions, here  
14 the receipt of the money from the Bachmann and Paul campaigns,  
15 abuse -- that's an eight-level increase; abuse of public trust,  
16 which is a two-level increase; and obstruction of justice, that  
17 is, the lying about his involvement, that's a two-level  
18 increase.

19           Pursuant to the defendant's motion, the court applies  
20 the adjustment for acceptance of responsibility and, therefore,  
21 reduces the offense level by three. The defendant's obstructive  
22 conduct was methodical and not in any way aberrant. But his  
23 cooperation with the government, as pointed out by each counsel,  
24 in prosecuting the Paul Campaign staffers' case was significant.

25           This case is an extraordinary one where the court is

1 both applying the obstruction of justice, which is unobjected to  
2 by either the government or the defendant, and the acceptance of  
3 responsibility adjustments apply.

4           The court denies the defendant's motion to adjust the  
5 calculation or vary from the guideline range by deducting the  
6 money he accepted from the Bachmann Campaign as, quote, fair  
7 market value of his work. The money was a central part of the,  
8 quote/unquote, illegal transaction of intentionally hiding  
9 income from the FEC contemplated by the sentencing guidelines.

10           The defendant's total offense level is 17. His  
11 criminal history category is I. The guidelines recommended  
12 sentence is 24 to 30 months, one to three years supervised  
13 release, a fine of 10,000 to 95,000 dollars, and a \$100 special  
14 assessment payable to the Crime Victims Fund.

15           3553(a) factors. The record should show the court has  
16 considered all of these factors, the nature and circumstances of  
17 the offense and the history and characteristics of the  
18 defendant. The court has also considered the need for a  
19 sentence to be imposed that will reflect the seriousness of the  
20 offense, a sentence that will promote respect for the law and  
21 provide just punishment for the offenses defendant has  
22 committed.

23           Additionally, the sentence must afford adequate  
24 deterrence to criminal conduct, protect the public from further  
25 crimes of the defendant, and provide the defendant with any

1 needed educational or vocational training, medical care, or  
2 other correctional treatment in the most effective manner.

3           The kinds of sentences available. The court believes  
4 imprisonment, home confinement, and probation are sentences that  
5 are available to the court. The sentencing range is established  
6 by the Sentencing Commission and then any policy statements by  
7 the Sentencing Commission.

8           After its exhaustive review of the record, the court  
9 finds that the most important of the 3553(a) factors in this  
10 case are the nature, circumstances, and seriousness of the  
11 offenses; the need to deter criminal conduct and promote respect  
12 for the law; and the need to avoid unwarranted sentencing  
13 disparities among similarly situated defendants.

14           The nature and circumstances and the seriousness of  
15 the offenses. Defendant's offense is the definition of  
16 political corruption. Professor Zephyr Teachout writes, quote,  
17 corruption exists when institutions and officials charged with  
18 serving the public serve their own ends, end of quote.  
19 According to the Pew Research Center, 74 percent of Americans  
20 believe that, quote, elected officials put their own interests  
21 ahead of the country's, end of quote.

22           For the founders of our country, corruption was a  
23 national fixation, the avoidance of which was, quote, an  
24 essential organizing principle of our representative democracy.  
25 Professor Teachout recounts that the founders tried to, quote,

1 create a system that would most likely be filled with men of  
2 civic virtue but avoid creating temptations that might corrode  
3 that virtue, end of quote. America has historically maintained  
4 its severe outlook on political corruption. President Theodore  
5 Roosevelt, speaking to the Congress in 1903, said, quote, There  
6 can be no crime more serious than bribery. Other offenses  
7 violate one law while corruption strikes at the foundation of  
8 all law. Government of the people, by the people, for the  
9 people will perish from the face of the earth if bribery is  
10 tolerated.

11           There is no doubt that defendant's conduct is  
12 corruption under any definition of the term. In *McCutcheon*  
13 *versus Federal Election Commission*, Chief Justice Roberts,  
14 speaking for the Supreme Court, reiterated that, quote, The  
15 hallmark of corruption is the financial quid pro quo: dollars  
16 for political favors.

17           Defendant's conduct is the opposite of civic virtue  
18 and, therefore, requires a substantial sentence. A sentence of  
19 probation would not reflect the seriousness of defendant's  
20 offenses. It would erode America's foundational rejection of a  
21 tolerance for corrupt governance. The people require that  
22 tangible and severe consequences meet those who abuse the public  
23 trust for personal gain. Unless that traditional principle is  
24 honored, political corruption will slowly erode the foundations  
25 of our democracy until it collapses under its own weight.

1           Deterring criminal conduct and promoting respect for  
2 the law. When a corrupt officeholder receives too lenient of a  
3 sentence, the public understandably loses confidence in the  
4 integrity of its system of government. And it sends a signal to  
5 other officeholders that they can have a free bite at the apple  
6 when it comes to accepting money for political favors.

7           In United States versus Morgan, the Tenth Circuit  
8 concluded that a sentence of probation in a corruption case  
9 involving an Oklahoma State Senator was unreasonable and, quote,  
10 encouraged rather than discouraged public officials from  
11 engaging in bribery because they might conclude that the only  
12 penalty they will face if they are caught is probation, end of  
13 quote. Sentencing corrupt officeholders to a colloquial slap on  
14 the wrist will exacerbate an endemic cycle of corruption.

15           A strict sentence also serves to protect the victims  
16 of political corruption from further harm. Judge Caproni of the  
17 Southern District of New York recently noted in a corruption  
18 case that, quote, Whether or not there was any tangible harm,  
19 there was incalculable intangible harm to the people, end of  
20 quote.

21           Through his actions the defendant has demeaned the  
22 integrity and work ethic of many public servants in his  
23 community who strive each day to improve life and governance for  
24 their fellow Iowans. As he has damaged the political morale of  
25 his constituency, of all Iowans, and of all Americans, the

1 public is also harmed when the corrosive influence of money in  
2 our politics creates a political climate so corrosive that  
3 people of good character aren't even willing to enter into  
4 public service.

5           Avoiding unwarranted sentencing disparities. The need  
6 to avoid unwarranted sentencing disparities is perplexing in  
7 this case due to the nature of the sentences imposed on Tate,  
8 Benton, and Kesari following their convictions. The court  
9 agrees that the sentencing of defendant's co-conspirators must  
10 be considered, but it concludes that those sentences do not  
11 require a similar sentence in this case.

12           The government claims that the court, quote,  
13 effectively halved the offense level of, end of quote, each of  
14 the three staffers' offense level calculations under the  
15 guideline. The government suggests the same methodology be  
16 applied to the defendant.

17           It is not clear that any sentencing conclusions were  
18 reached by halving any number, and the government appears to  
19 believe its own recommendation, or at least the prospect of  
20 halving the total offense level here, would be radical and below  
21 the appropriate sentence in similar cases. The government  
22 adamantly denies the analysis should apply in any other case,  
23 including the staffers, except this case.

24           As to the disparities with other defendants, the cases  
25 the government has cited have all resulted in significant terms

1 of incarceration of at least 27 months. See Braddock, 38  
2 months; Danielczyk, 28 months; I'll spell the next one  
3 B-I-G-I-C-A, 60 months; Magliocchetti, 27 months. Based upon  
4 the results in those and other federal cases -- and the court  
5 has looked at other cases as well, including the United States  
6 versus Silver, Southern District of New York; United States  
7 versus Pan, Southern District of New York; United States versus  
8 Odom, Northern District of Florida; United States versus Feiss,  
9 F-E-I-S-S, Southern District of Florida; United States versus  
10 Tigani, District of Delaware; United States versus Whittemore,  
11 District of Nevada.

12           The Paul cases -- based on those results, the court  
13 declining to impose a term of incarceration in this case would  
14 create an unwarranted sentencing disparity. The Paul staffer  
15 sentences are the exception, not the rule, for similarly  
16 situated defendants.

17           In Gall versus the United States, Justice Stevens held  
18 it is instructive to consider the 3553(a)(6) factor in the  
19 inverse as the, quote, need to avoid unwarranted similarities  
20 among other co-conspirators who were not similarly situated, end  
21 of quote. The staffers were not similarly situated to the  
22 defendant. The defendant was the recipient of illicit funds.  
23 The three campaign staffers did not personally receive any of  
24 the funds at issue. And the defendant was a publicly elected  
25 official at the time of his offense conduct, with the immense



1   burden and privilege of stewarding the public trust. The  
2   campaign staffers were not.

3           The court is challenged now with crafting a sentence  
4   in the entirely unique circumstances of this case. According to  
5   the United States Sentencing Commission's records, United States  
6   Sentencing Guideline 2C1.8 has been applied only 59 times in the  
7   last decade and not once to an elected official. To my  
8   knowledge then, Mr. Sorenson is the only elected official  
9   sentenced under 2C1.8 in the last ten years.

10           In light of these unique facts, the court concludes  
11   the need to avoid unwarranted sentence disparities does not  
12   compel a sentence with no term of incarceration.

13           Just punishment for the offense. A term of  
14   incarceration is required to reflect the seriousness of the  
15   offense, to espouse respect for anticorruption laws, and to  
16   deter systemic political corruption. As Roosevelt said in his  
17   1903 address, quote, The exposure and punishment of public  
18   corruption is an honor to a nation, not a disgrace. The shame  
19   lies in toleration, not in correction. The first requisite of  
20   successful self-government is unflinching enforcement of the law  
21   and the cutting out of corruption, end of quote.

22           The court agrees with Judge Caproni of the Southern  
23   District of New York. Quote, There's so much money sloshing  
24   around government right now that it's very difficult to have  
25   confidence that any decision is being made on the merits. That

1 doubt about whether our public servants are operating in our  
2 interests or whether their vote is available for purchase to the  
3 highest bidder is magnified every time we see another  
4 officeholder exposed as corrupt, end of quote.

5           The defendant has filed numerous letters of support  
6 and requests for leniency for the sake of his family. The court  
7 is, of course, sympathetic toward those who will be adversely  
8 affected by defendant's incarceration, most notably his spouse,  
9 children, and extended family. However, incarceration is a  
10 foreseeable result of defendant's conduct. Defendant cannot  
11 escape an otherwise just sentence by referring to the victims of  
12 his behavior to invoke undue sympathy.

13           Defendant claims his reputation has been damaged and  
14 his family are in financially dire straits. These collateral  
15 consequences should not in this case afford defendant any  
16 leniency in sentencing. The First Circuit Court of Appeals has  
17 held that it is, quote, impermissible for a court to impose a  
18 lighter sentence on white-collar defendants than on blue-collar  
19 defendants because it reasons that white-collar offenders suffer  
20 greater reputational harm or have more to lose by conviction,  
21 end of quote. And the Tenth Circuit in the Morgan case that  
22 I've referred to earlier has held that consideration of such  
23 circumstances, quote, impermissibly favors criminals with  
24 privileged backgrounds, end of quote.

25           The court also notes that the Congress of the United

1 States has determined violations of the statutes that defendant  
2 has now been convicted of carry with it substantial sentences.  
3 Not only -- and last week the Chief -- two weeks ago the Chief  
4 Justice referred to this as well. The court is guided by the  
5 sentencing statutes of Congress as well as the sentencing  
6 guidelines. The convictions here carry a maximum sentence if  
7 served consecutively of 25 years. The first count is a  
8 five-year maximum sentence; the second, the obstruction of  
9 justice, 20 years. The guidelines recommend 24 to 30 months.

10 The guideline range is relatively not in conformance  
11 with the statute because of similar work by the Sentencing  
12 Commission. However, the court determines that political  
13 corruption is a threat to our democratic system of governments,  
14 and the court, therefore, concludes that 24 months incarceration  
15 is just punishment for the offense.

16 Considering the government's motion for departure.  
17 The government has filed a motion for downward departure  
18 pursuant to 5K1.1. Defendant's assistive role in the  
19 government's prosecution of Benton, Tate, and Kesari is not  
20 disputed. The government characterizes defendant's testimony  
21 as, quote, indispensable, end of quote, to its success in those  
22 prosecutions and asserts his testimony was, quote, truthful,  
23 complete, and reliable, end of quote. Defendant's cooperation  
24 was extensive as described by counsel, including grand jury and  
25 trial testimony, debriefings, FBI interviews, trial preparation.

1 A departure from the sentencing guidelines range is warranted,  
2 and the motion of the government is granted. The court shall  
3 reduce the defendant's term of incarceration by 35 percent to 15  
4 months.

5 It is the judgment of the court that the defendant be  
6 sentenced to a term of imprisonment of 15 months in the custody  
7 of the United States Bureau of Prisons as a result of his  
8 convictions of Counts 1 and 2 of the information filed on  
9 August 27, 2014.

10 Mr. Brown, I'm assuming the defendant wants to be  
11 placed in a federal prison as near the state of Iowa as  
12 possible?

13 MR. BROWN: That's correct, Your Honor.

14 THE COURT: The court recommends that the defendant be  
15 placed in a federal prison as near the state of Iowa as  
16 possible.

17 Mr. Sorenson, there are no federal prison facilities  
18 in Iowa, so I am recommending to the BOP that they place you as  
19 near the state of Iowa as possible. I don't control what the  
20 Attorney General does. Once the Attorney General receives the  
21 court's commitment order, they will determine the appropriate  
22 institution for you to be placed.

23 Upon release from imprisonment, the defendant shall be  
24 on supervised release for a term of one year on Counts 1 and 2  
25 of the information filed August 27, 2014, both counts to be

1 served concurrently.

2 Mr. Pilger and Mr. Brown, if you would look at your  
3 presentence report, beginning on paragraphs 109 to 112, it's my  
4 intention to place those paragraphs in the judgment and  
5 commitment order unless you want to make some record on why they  
6 wouldn't be appropriate in this case.

7 MR. BROWN: As to the (a)(1), nature and  
8 circumstances, other than my argument regarding the total amount  
9 of money, Your Honor, I have no objection to those being  
10 included.

11 THE COURT: Okay.

12 MR. PILGER: The government does not object.  
13 Your Honor, if I may?

14 THE COURT: Yes, Mr. Pilger.

15 MR. PILGER: I feel that I must point out a couple of  
16 things, having heard the court's analysis and understanding the  
17 court's sentence; but before the end of these proceedings, I  
18 feel like these two points must be made.

19 THE COURT: Okay. I'm not done.

20 MR. PILGER: Not done; I'll wait, Your Honor. Sorry.

21 THE COURT: That's all right.

22 If the court is wrong on the guideline, the court  
23 would still believe that 15 months is the appropriate sentence  
24 based upon the nature and circumstances of the offense and the  
25 history and characteristics of the defendant, as well as the

1 just punishment and seriousness of the offense are concerned.

2           The court also orders the defendant to pay a \$100  
3 special assessment to the Crime Victims Fund based upon what  
4 the -- I'm sorry; \$200 to the Crime Victims Fund on behalf of --  
5 pay \$200 to the Clerk of Court on behalf of the Crime Victims  
6 Fund. Based on what the court believes is the defendant's  
7 financial condition, there's no other fine or penalty due.

8           Now, Mr. Pilger, I'm sorry.

9           MR. PILGER: Thank you, Your Honor.

10           I don't disagree with anything that the court said.  
11 In fact, in terms of the analysis of bribery and public  
12 corruption understood as quid pro quo bribery --

13           THE COURT: Right.

14           MR. PILGER: -- Professor Teachout's book is excellent  
15 on the subject, and I'm familiar with all of the authorities  
16 Your Honor cited, and I could not agree more with the analysis  
17 of the effect of bribery. But as we said, as I said personally  
18 in two opening statements and as we argued throughout the  
19 related proceedings, bribery is not charged here. Bribery is --

20           THE COURT: I didn't say it was. To me he made a  
21 change in his political affiliation for money, and so to me  
22 that's the common law definition of bribery. I didn't say it  
23 was a statutory charge here. What he's convicted of is causing  
24 a false financial report to be filed with the FEC under now  
25 Title 2, 52, and obstruction of justice.

1           MR. PILGER: Yes, Your Honor, and I don't want to  
2 quarrel with the court.

3           THE COURT: No, I want you to make whatever record you  
4 want to make, Counsel.

5           MR. PILGER: The only thing I would point out to you  
6 is what you're pointing at in terms of the exchange of the  
7 political endorsement, which is not a vote, and Your Honor  
8 talked about votes, and I've prosecuted more cases than I can  
9 remember where votes were bought.

10          THE COURT: Right.

11          MR. PILGER: This was not the sale of a vote. This  
12 was a sale of a political endorsement. And the Criminal Code of  
13 the United States addresses this in a seldom used statute, I  
14 believe it's 18 U.S. Code 599, which is a misdemeanor, and which  
15 we did not feel warranted the court's attention in the charging  
16 of these matters because it is treated so leniently by the Code.

17          The nature of this case -- and this is my second  
18 point -- is it's a transparency violation. It is weaponizing  
19 the FEC to conceal things that the public has a right to know.  
20 The nature of this case isn't the quid pro quo arrangement --

21          THE COURT: Mr. Pilger, the nature of this violation  
22 is corruption.

23          MR. PILGER: Well, I won't quarrel with the court.

24          THE COURT: Well, I mean, do you disagree with that?

25          MR. PILGER: Well, as a person focused on campaign

1 finances, my primary mission for the last six years, this was an  
2 important campaign finance transparency case which -- and this  
3 goes to the main point, the main second point I want to make.

4 THE COURT: Right.

5 MR. PILGER: You're correct, it's unique and that the  
6 cases that both sides have cited in response to your request  
7 don't really go to this kind of case, this kind of transparency  
8 violation on the expenditure side because this is the first one.  
9 This is a novel case on bringing an expenditure side false  
10 statement case.

11 THE COURT: Right.

12 MR. PILGER: I've heard the court.

13 THE COURT: Okay. Mr. Pilger, here is what I want to  
14 tell you, though, because I think this is valuable because  
15 transparency in sentencing is a huge part of our law as well.  
16 When the Congress passes a statute saying that it's a felony if  
17 you cause a false report to be filed with the Federal Election  
18 Commission and then you commit that crime and then you cover up  
19 what you did by lying throughout 2013 and '14 until the FBI raid  
20 your house, that's corruption.

21 MR. PILGER: I hear Your Honor.

22 THE COURT: Yeah.

23 MR. PILGER: I would only point out that the people  
24 who really benefitted from this --

25 THE COURT: Right.



1           MR. PILGER: -- the people who were really out to get  
2 something were the co-conspirators who make a tremendous living  
3 by being successful at things like winning the Iowa Caucuses, a  
4 hugely important kind of accomplishment in the political world  
5 where these folks make so much money, and the real reason why  
6 this offense happened was because they wanted to appear  
7 successful. They wanted to burnish their careers. They wanted  
8 something that their candidate, Ron Paul, wanted nothing to do  
9 with, which was an endorsement to help them win.

10           THE COURT: I agree.

11           MR. PILGER: And with that, Your Honor, I've been  
12 heard and defer to the court.

13           THE COURT: All right. Thanks very much.

14           Mr. Brown, I got an e-mail this morning from Doug  
15 Statler of the United States Probation office telling me that  
16 Mr. Sorenson has followed his conditions of release. He in his  
17 note to me refers to violations of October 10, 2014, an  
18 information only violation report, which I know you're aware of,  
19 and a July 22, 2015, information only violation. And then at  
20 the conclusion, Mr. Statler says, quote, the U.S. Probation  
21 office recommends defendant be allowed to continue on the  
22 condition of his bond as previously set by the court.

23           So I will permit the defendant the privilege of  
24 self-reporting or he can go into custody today, whatever your  
25 preference is, assuming the United States doesn't object to the

1 defendant self-reporting.

2 MR. PILGER: No objection, Your Honor.

3 MR. BROWN: We would request self-report, Your Honor.

4 THE COURT: All right. Mr. Sorenson, I'm going to  
5 allow you the privilege of self-reporting to the federal  
6 correctional institution that you're assigned by the Attorney  
7 General. Mr. Brown will probably hear from the probation office  
8 about where that is. What happens now is that Ms. Tady will  
9 e-mail this report and judgment and commitment order to the  
10 Attorney General or wherever she does her work, and you'll hear  
11 about what institution you're going to be assigned to.

12 Mr. Pilger and Mr. Brown, other than telling  
13 Mr. Sorenson about his right of appeal, are there any other  
14 matters that the court has to attend to?

15 MR. PILGER: I didn't hear the court make a finding on  
16 the inability to pay a fine.

17 THE COURT: I did say that. I don't believe he has  
18 the ability to pay a fine. There's no fine involved.

19 MR. PILGER: Just checking, Your Honor.

20 MR. BROWN: No, Your Honor.

21 THE COURT: All right. Mr. Sorenson, this is now a  
22 final judgment of the District Court. You do have a right to  
23 appeal the judgment to the Court of Appeals if you believe it  
24 contains error. If you want to take that appeal, you have to  
25 file a written notice with the clerk of the district court

1 within 14 days of today's date. You have to serve a copy of  
2 that notice on the United States Attorney's office or the Public  
3 Integrity Section, or perhaps both. Mr. Pilger's office is in  
4 Washington, D.C. If you want to take that appeal, as I say, you  
5 have to file a written notice. The law provides that if you  
6 want to take the appeal and you can't afford a lawyer to help  
7 you prosecute the appeal, I have to appoint a capable lawyer to  
8 represent you on the appeal.

9 Mr. Sorenson, do you have any questions about this  
10 judgment that's been entered today or about your right of  
11 appeal?

12 THE DEFENDANT: No.

13 THE COURT: We'll be in recess.

14 (Proceedings concluded at 11:35 a.m.)  
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## C E R T I F I C A T E

I, the undersigned, a Certified Shorthand Reporter of the State of Iowa, do hereby certify that I acted as the official court reporter at the hearing in the above-entitled matter at the time and place indicated.

That I took in shorthand all of the proceedings had at the said time and place and that said shorthand notes were reduced to computer transcription under my direction and supervision, and that the foregoing computer transcription pages are a full and complete transcript of the shorthand notes so taken.

Dated at Des Moines, Iowa, this 23rd day of February, 2017.

/s/ Terri L. Martin  
CERTIFIED SHORTHAND REPORTER